

Senate Bill No. 252

CHAPTER 481

An act to amend Section 149.1 of the Streets and Highways Code, relating to highways.

[Approved by Governor September 27, 1999. Filed
with Secretary of State September 27, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 252, Kelley. Highway tolls: transit service: demonstration program.

Existing law authorizes the San Diego Association of Governments (SANDAG), in cooperation with the Department of Transportation, to conduct a demonstration program pursuant to which single-occupant vehicles are allowed to use the high-occupancy vehicle (HOV) lane on a specified portion of Interstate Highway Route 15 (I-15) for a fee. Existing law requires the level of service in these HOV lanes to be Service B, as adopted by the Transportation Research Board, or the level of service of an HOV lane without single-occupant vehicles. The authorization for this demonstration program will be repealed on January 1, 2000.

This bill would change the level of service in these HOV lanes from Service B, as adopted by the Transportation Research Board, or the level of service of an HOV lane without single-occupant vehicles, to Service C or D, as specified. In addition, the bill would extend the repeal date for this demonstration program to January 1, 2002.

Existing law requires SANDAG, upon completion of the demonstration program, to submit a report to the Legislature on its findings, conclusions, and recommendations concerning the program.

This bill would require the report to be submitted on or before January 1, 2000.

The bill also would make technical, nonsubstantive changes.

The people of the State of California do enact as follows:

SECTION 1. Section 149.1 of the Streets and Highways Code is amended to read:

149.1. (a) Notwithstanding Sections 149 and 30800 of this code, and Section 21655.5 of the Vehicle Code, the San Diego Association of Governments (SANDAG) may conduct, administer, and operate a congestion pricing and transit development demonstration program on the Interstate Highway Route 15 (I-15) high-occupancy vehicle expressway. The program, under the circumstances

described in subdivision (b), may direct and authorize the entry and use of the I-15 high-occupancy vehicle lanes by single-occupant vehicles during peak periods, as defined by SANDAG, for a fee. The amount of the fee shall be established from time to time by SANDAG, and collected in a manner determined by SANDAG.

(b) Implementation of the demonstration program is subject to each of the following mandatory conditions:

(1) Approval of the program by the United States Department of Transportation shall be obtained before the project is implemented.

(2) Level of Service C, as measured by the most recent issue of the Highway Capacity Manual, as adopted by the Transportation Research Board, shall be maintained at all times in the high-occupancy vehicle lanes, except that subject to a written agreement between the department and SANDAG that is based on operating conditions of the high-occupancy vehicle lanes, Level of Service D shall be permitted on the high-occupancy vehicle lanes. The department and SANDAG shall evaluate the impacts of these levels of service of the high-occupancy vehicle lanes, and indicate any effects on the mixed-flow lanes, prior to January 1, 2002. Continuation of Level of Service D operating conditions after January 1, 2002, shall be subject to a written agreement between the department and SANDAG. Unrestricted access to the lanes by high-occupancy vehicles shall be available at all times. At least annually, the department shall audit the level of service during peak traffic hours.

(c) Single-occupant vehicles that are certified or authorized by SANDAG for entry into, and use of, the I-15 high-occupancy vehicle lanes are exempt from Section 21655.5 of the Vehicle Code, and the driver shall not be in violation of the Vehicle Code because of that entry and use.

(d) SANDAG shall carry out the program in cooperation with the department, and shall consult the department in the operation of the project and on matters related to highway design and construction. With the assistance of the department, SANDAG shall establish appropriate traffic flow guidelines for the purpose of ensuring optimal use of the express lanes by high-occupancy vehicles.

(e) (1) Agreements between SANDAG, the department, and the Department of the California Highway Patrol shall identify the respective obligations and liabilities of those entities and assign them responsibilities relating to the demonstration program, including clear and concise procedures for enforcement by the Department of the California Highway Patrol of laws prohibiting the unauthorized use of the high-occupancy vehicle lanes. The agreements shall provide for reimbursement of state agencies, from revenues generated by the program, federal funds specifically allocated to SANDAG for the program by the federal government, or other funding sources that are not otherwise available to state agencies for transportation-related projects, for costs incurred in connection with

the implementation or operation of the demonstration program. Reimbursement for SANDAG's program-related planning and administrative costs in the first year of operation of the program shall not exceed 5 percent of the revenues generated, and shall not exceed 3 percent of revenues for any year thereafter.

(2) All remaining revenue shall be used in the I-15 corridor exclusively for (A) the improvement of transit service, including, but not limited to, support for transit operations, and (B) high-occupancy vehicle facilities and shall not be used for any other purpose.

(f) SANDAG, the San Diego Metropolitan Transit Development Board, and the department shall cooperatively develop a single transit capital improvement plan for the I-15 corridor.

(g) On or before January 1, 2000, SANDAG shall submit a report to the Legislature on its findings, conclusions, and recommendations concerning the demonstration program.

(h) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

